

### **REMARKS**

The Applicants have carefully considered the official action dated March 23, 2009. By way of this response, the Applicants have amended claims 1-4, 11-13, 20, and 21. In addition, the Applicants have cancelled claim 22 without prejudice to its further prosecution. Also, the Applicants have added new claim 23. The amendments to claims 1-4, 11-13, 20, and 21 and new claim 23 are fully supported by the Applicants' originally filed application. No new matter has been added. In view of the foregoing amendments and the following remarks, the Applicants respectfully traverse the rejections and submit that all claims are in condition for allowance. Favorable notice to that effect is earnestly solicited.

#### **I. Independent Claim 1**

The Applicants respectfully submit that independent claim 1 is allowable over the combination of Coile et al. (US 6,108,300) and Chen et al. (US 2005/0013242). Independent claim 1 is directed to a method and recites, among other things, providing a network management module in communication with first and second local access and transport areas and a failover network, the first local access and transport area in communication with the second local access and transport area via an inter-exchange carrier, the failover network in communication with the first and second local access and transport areas and separate from the inter-exchange carrier, and the network management module to monitor switches in a first logical circuit, the first logical circuit connecting the first and second local access and transport areas via the inter-exchange carrier, the switches located in the first and second local access and transport areas. The Applicants respectfully submit that the combination of Coile et al. and Chen et al. do not teach or suggest such a method.

Coile et al. describe transferring a network function from a primary network device to a backup network device. *Coile et al.*, 4:5:7. However, Coile et al. do not teach or suggest that the backup network device is in a failover network separate from an inter-exchange carrier, nor that the backup network device is in communication with first and second local access and transport areas.

Chen et al. describe an MPLS network (205) having an alternate path (110, 170, 180, 190, and 160) to re-route traffic from a primary path. *Chen et al.*, FIG. 4, ¶ 32. However, Chen et al. do not teach or suggest that the alternate path (110, 170, 180, 190, and 160) is in a failover network separate from an inter-exchange carrier, nor that the alternate path (110,

170, 180, 190, and 160) is in communication with first and second local access and transport areas.

In view of the foregoing, the Applicants respectfully submit that independent claim 1 and all claims dependent thereon are in condition for allowance.

## **II. Independent Claim 13**

The Applicants respectfully submit that independent claim 13 is allowable over Coile et al., Chen et al., and Ashton et al. (US 6,181,679). Independent claim 13 is directed to a system and recites, among other things, a logical circuit connecting first and second local access and transport areas via an inter-exchange carrier, and a logical failover circuit connecting the first and second local access and transport areas via a failover network that is separate from the inter-exchange carrier. The claimed system includes a network management module in communication with the first and second local access and transport areas and the failover network to monitor switches of the logical circuit and located in the first and second local access and transport areas. For at least the reasons discussed above in connection with claim 1, the Applicants respectfully submit that the combination of Coile et al. and Chen et al. does not teach or suggest such a system. In addition, the combination of Coile et al., Chen et al., and Ashton et al. does not teach or suggest such a system.

Ashton et al. describe a network management system (11) (Ashton et al., FIG. 1, 4:52-5:63), but Ashton et al. do not teach or suggest a failover network separate from an inter-exchange carrier, nor that the network management system (11) is in communication with first and second local access and transport areas.

Accordingly, the Applicants respectfully submit that independent claim 13 and all claims dependent thereon are in condition for allowance.

## **III. Conclusion**

In view of the foregoing, the Applicants respectfully submit that this application is in condition for allowance and request an early favorable action on the merits. If there are any remaining matters that the Examiner would like to discuss, the Examiner is invited to contact the undersigned representative at the telephone number set forth below.

The Commissioner is hereby authorized to charge any deficiency in the amount submitted or any additional fees which may be required under 37 CFR 1.16 or 1.17 to

Deposit Account No. 50-2455. Please refund any overpayment to Hanley, Flight & Zimmerman, LLC, at the address below.

In addition, if a petition for an extension of time under 37 CFR 1.136(a) is necessary to maintain the pendency of this case and is not otherwise requested in this case, the Applicants request that the Commissioner consider this paper to be a petition for an appropriate extension of time and hereby authorize the Commissioner to charge the fee as set forth in 37 CFR 1.17(a) corresponding to the needed extension of time to the above deposit account.

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**July 23, 2009**